

Argument

“Where two or more related inventions are being claimed, the principal question to be determined in connection with a requirement to restrict ...is whether or not the inventions as claimed are distinct... If they are not distinct, restriction is never proper.” (MPEP §806.5). The Examiner states that “the process *as claimed* can be practiced by another materially different apparatus or by hand.” (MPEP §806.5(e)). “If the apparatus claims [however] include a claim to "means" for practicing the process, this claim is a linking claim.” *id.* “The linking claim must be examined with the elected invention.” *Id.*

The method or manufacturing processes of Claim 13-16 distinctly reference the invention of the previous claims, the reversible tie apparatus. (preamble) Therefore, the only apparatus that can be the product of this manufacturing process is the instant reversible tie apparatus, which could not be accomplished by another materially different method. The process is only applicable to this invention and does read into or attempt to include any other apparatus. Thus, the process claim includes a means for practicing the process, which should be deemed as a linking claim, and must be examined with the elected invention.

“Where the requirement for restriction in an application is predicated upon the non-allowability of generic or other type of linking claims, applicant is entitled to retain in the case claims to the non-elected invention or inventions.” (MPEP §809.04) “If a linking claim is allowed, the examiner must thereafter examine species if the linking claim is generic thereto, or he or she must examine the claims to the non-elected inventions that are linked to the elected invention by such allowed linking claim.” *Id.*

Therefore, as Claims 13-16 are clearly linked to the invention of Claims 1-12, the Examiner must examine claims 13-16 as they are each linked to the elected invention.

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A handwritten signature in black ink, appearing to read 'D. N. Smith', is written over the printed name.

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